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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,844	04/12/2004	Peter Lisec	4301-1096	1732

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EXAMINER

HERRERA, JENNIFER

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,844	Applicant(s) LISEC, PETER	
	Examiner Jennifer P. Herrera	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/7/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transverse movement of the support means in claim 11 and the guides in claim 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "initial position 2" and "double arrow 31" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
3. The drawings are objected to because there are several informalities. Reference number 4 in Figure 1 is pointing at the table instead of the top of the table as disclosed in the specification. The two views revealed are inconsistent with each other. It is hard, as understood by the Examiner, to decipher certain characteristics of the invention when structural elements are missing from the figures. For example in Figure 1 beams "46" and "42" are shown, but Figure 2 only shows beam 42. Beam 46 should be accounted in Figure 2 to understand the movement of the support 40.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 56.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the informality of incorrect spelling. For example page 6, line 14, "father" was disclosed.

Appropriate correction is required.

Claim Objections

6. Claims 1-23 are objected to because of the following informalities:

- a. for the article use to introduce a structural element. For example in claim 1, "the area" in line 5 should be "an area" since the particular area has not been disclosed thus far. Multiple errors continue throughout the claims,
- b. for correct reference numbers used to disclose an element. For example in claim 1, line 2, (16) is describing the glass pane, but the applicant must remain consistent and use reference number 26 as disclosed in the specification,
- c. for the multiple usage of single parenthesis. The only information allowed within the parenthesis are reference numbers. For example in claim 10, "(lower edge 28 of the pane) (arrow 36)" are improperly used parenthesis, and
- d. for the improper use of double brackets to amend claims. When a phrase is included within the double brackets as used in claim 5, a cross out is required. The double bracket should be used for a small quantity of characters.

Appropriate correction is required.

Claim Rejections – 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

8. Claims 1–7, 10, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Regarding claims 1–7, method steps are not disclosed. Method claims should contain “active verbs”. The proper style of method claims should be practiced.

b. Regarding claim 2, the phrase, “without first aligning” is indefinite. As understood by the Examiner, some sort of alignment must occur to place the glass pane on the conveyor device. If there is no alignment, then the user could simply place the glass pane in its essentially horizontal position.

- c. Regarding claim 10, "track of the glass pane" is indefinite. Applicant needs to specify what is the track to the glass pane.
- d. Regarding claim 18, has a couple of indefinite phrases. "Area of its edge" of the table needs to be distinct with the particular edge capable of rising. As understood by the examiner from Figure 1, the support table does not raise "away from the conveyor devices" but towards the conveyor device.

9. Claims 4, 6, 8, 10, 12, 17, and 18 recites the limitations:

- a. "the support means" in claim 4, line 3,
- b. "the transport device" in claim 6, lines 2-3,
- c. "glass sheets" in claim 8, line 4,
- d. "the transport means" in claim 10, line 2,
- e. "the top edge" in claim 12, lines 2-3,
- f. "the support" in claim 17, line 2,
- g. "the support surfaces" in claim 18, line 2, and
- h. "the conveyor devices" in claim 18, lines 3-4.

There is insufficient antecedent basis for this limitation in the claims. New terminology for the same structural element is basis for rejection; therefore the practice of consistency throughout the claims must be applied.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1–9, 12–14, 19, 20, and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Jenkner et al. (U.S. 4,966,271) (“Jenkner”).

a. Regarding claim 1, Jenkner teaches a platform held in a relatively vertical position with a support moving away to allow the platform to fallover, in column 2, lines 45–49 and 54–62, and column 4, lines 55–59.

b. Regarding claims 2–7 dependent from claim 1, Jenkner discloses a non-aligning system for the vertical position in column 2, lines 16–21. Jenkner also teaches the pane standing on a conveyor device in column 4, lines 17–29.

Jenkner adds the teaching of the pane supported in column 4, lines 39–51.

Jenkner discloses a predetermined distance of the pane from the support surface in column 4, lines 52–55. Jenkner also teaches the alignment of the conveyor device in column 4, lines 15–17. Jenkner in addition discloses

transverse alignment of the upper edge of the pane in column 4, lines 43–51 and 59–62.

c. Regarding claim 8, Jenkner discloses a conveyor device, 17 and 19, and a support means, 20.

d. Regarding claim 9, Jenkner continues to teach the capability of having the support means rise in column 7, lines 20–26.

e. Regarding claims 12–14, Jenkner discloses the support means having a beam and rollers capable of facing down and rotating freely in column 4, lines 43–51.

f. Regarding claims 19 and 20, Jenkner discloses the conveyor device having a conveyor belt or rollers in column 4, lines 30–34.

g. Regarding claim 22, Jenkner teaches the conveyor device capable of having a guide in column 10, lines 37–43.

Claim Rejections – 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 10, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkner in view of Mori et al. (U.S. 5,413,204) ("Mori").

a. Regarding claims 10 and 21, Jenkner does not disclose the conveyor device capable of moving transversely along a guide. Mori discloses the movement of the conveyor device in column 9, lines 40–47. Mori also discloses a guide, 3, for the conveyor device. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Mori's moving capabilities via guide to Jenkner's conveyor device to insure the user a fast and efficient transport device for the glass pane to rest on.

b. Regarding claim 23, Jenkner does not disclose movement of the guide on the conveyor device. Mori discloses the guide, 22, on the conveyor device.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Mori's guide movement to Jenkner's guide to allow a serviceable safety stopper for various sized glass panes. The size and shape of the glass pane will vary and a conveyor device with guide needs the capability to adapt to the pane.

13.Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkner in view of Schaede et al. (U.S. 5,738,487)("Schaede"). Jenkner does not disclose transverse movement of the support means. Schaede teaches movement, Y, of the support means in Figure 21. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Schaede's support means movement to Jenkner's support means to allow a versatile range of movement to accommodate various panes.

14.Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkner in view of Agett et al. (U.S. 3,399,885)("Agett"). Jenkner does not teach a support table to rise. Agett discloses a table, 3, capable of rising in column 2, lines 12-14 and 30-38. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Agett's support table with Jenkner's device to ensure a safe and easy transition state for the glass pane to "fallover".

15.Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkner in view of Schaede, and further in view of English et al. (U.S. 1,699,284)("English"). English discloses carriages, 5 and 17, for the support means to move on beams, 1 and 4, respectively. Schaede demonstrates the capable movement, X and Z, of carriages along the beams in Figure 9. Therefore it would have been

obvious to a person of ordinary skill in the art at the time of the invention to add Schaede's movement with English's carriages and beams to Jenkner's support means allowing a two directional movement device to compensate for any adjustments required accordingly to the glass pane.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer P. Herrera whose telephone number is (571) 272-6269. The examiner can normally be reached on 0830-1700 hrs Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JPH/
7/12/06



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